



House Elections and Ethics Committee

October 26, 2021

Promote the Vote submits the below written testimony in opposition to HBs 5253 and 5254. These bills would make election administration more difficult without improving the security of Michigan's already-secure elections or improving our state government's transparency or ethics provisions.

Promote the Vote Opposes HB 5253 Because It Would Shift an Enormous Financial Burden Directly onto Michigan Taxpayers.

By prohibiting both the Secretary of State and local election officials from accepting "from an individual or entity . . . a gift involving election-related equipment," HB 5253 will prevent well-meaning voters from helping the polls run smoothly on Election Day. It will also block Michigan election officials from accepting funding from the federal government, thereby shifting an enormous financial burden directly onto Michigan taxpayers. For these reasons, Promote the Vote opposes the bill.

On Election Day, whether due to unexpectedly high turnout or other circumstances beyond the control of voters, polling locations can sometimes run out of simple supplies such as the pens that voters use to mark their ballots or - in the age of COVID-19 - disinfecting wipes. While seemingly innocuous, such supply issues can lead to hours-long lines, grinding voting to a halt and disenfranchising voters. To help out their local election officials and move things along, well-meaning volunteers and voters will often purchase such supplies from a local store and donate them to the polling location. Given how broadly HB 5253 defines "election-related equipment," i.e., "any materials . . . or products that may be used to facilitate any task related to an election," it would prohibit the donations of such supplies. The result would be simple -- voters would be disenfranchised.

The term "gift" is not defined in HB 5253 or in the election code. Therefore, the term would encompass anything commonly understood as a gift, including money given as a donation. Because HB 5253 prohibits election officials from accepting "a gift involving election-related equipment" -- including "[a] gift of money . . . to be used for obtaining election-related equipment" -- from any "entity," the bill would also prevent the acceptance of money from the federal government. Historically, federal funding has been a critical source of funding for Michigan's chronically under-funded elections. This bill would ban such federal funding, which recently covered a large portion of the cost of Michigan's election-related equipment upgrades. Several years ago, when municipalities across the state replaced voting tabulators,

approximately 75% of the state's \$40 million cost came from federal funds.¹ By prohibiting the Secretary of State from accepting such funds, HB 5253 would shift an enormous financial burden directly onto the Michigan taxpayers.

To be clear, Michigan's ethics and transparency provisions have repeatedly received failing grades. In fact, a 2015 report from the Center for Public Integrity ranked Michigan last among the 50 states in a data-driven assessment of state government transparency and accountability.² Nevertheless, HB 5253 does nothing to address this crisis in Lansing. Public officials are already prohibited from "accept[ing] a gift or loan of money, goods, services, or other thing of value for the benefit of a person or organization, other than the state, which tends to influence the manner in which the public officer or employee or another public officer or employee performs official duties."³ By targeting only election officials, and only "gift[s] involving election-related equipment," HB 5253 would prevent these officials from accepting donations that would benefit the state and its voters.

For these reasons, Promote the Vote opposes the bill.

Promote the Vote Opposes HB 5254 Because It Would Prohibit Funding that Would Make our Elections More Efficient and Secure.

Administering elections is an expensive endeavor. It requires, among other things, additional staff (sometimes numbering in the thousands) and myriad pieces of high-tech equipment. Charitable funds often ease the burden of such administration.⁴ Nevertheless, by prohibiting the Secretary of State from "accept[ing] a gift of money or goods from a nongovernmental entity," HB 5254 would block a critical source of funding needed to ensure that our elections are accessible, efficient, and secure. For example HB 5254 would block a gift from a disability rights organization aimed at ensuring that each and every polling location was accessible to those with mobility issues.

As described above, Promote the Vote understands that Michigan desperately needs transparency and ethics reform. But the Secretary of State is already prohibited from accepting gifts that would benefit people or organizations other than the state, including such gifts from nongovernmental entities.⁵ By also preventing the Secretary of State from accepting money that

¹ Oosting, Jonathan, "Michigan Plans to Replace All Voting Machines by 2018," *The Detroit News* (Jan. 24, 2017) (<https://www.detroitnews.com/story/news/politics/2017/01/24/voting-machines/96991230/>).

² Selweski, Chad, "Michigan Gets F Grade in 2015 State Integrity Investigation," *The Center for Public Integrity* (Nov. 9, 2015).

(<https://publicintegrity.org/politics/state-politics/state-integrity-investigation/michigan-gets-f-grade-in-2015-state-integrity-investigation/>).

³ MCL 15.342.

⁴ See, e.g., Hing, Geoff et al., "How Private Money Helped Save the Election," APM Reports (Dec. 7, 2020) (<https://www.apmreports.org/story/2020/12/07/private-grant-money-chan-zuckerburg-election>).

⁵ MCL 15.342.

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would benefit the state, HB 5254 would block a critical source of funding, while doing nothing to improve integrity or accountability in Lansing.